

Message Text

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CINCUSAFE RAMSTEIN AB GERMANY

S E C R E T ANKARA 1641

E.O. 11652: XGDS-3 INDEF

TAGS: MARR, TU

SUBJ: I.A. NEGOTIATIONS: STATUS AGREED MINUTES/CRYPTO INSPECTION

REF: ANKARA 1597

1. AT PRIVATE MEETING MARCH 4, 1974, CALLED BY ASULA, IA DELEGATION CHAIRMAN BOEHM AND TURKISH CHAIRMAN ASULA REVIEWED ISSUE STATUS AGREED MINUTES BROUGHT INTO QUESTION BY DISPUTE OVER AGREED MINUTE TO DCA ART. XIII ON CRYPTO INSPECTION AND AGREED DEFER FURTHER IA MEETINGS UNTIL U.S. DELEGATION HAD CHANCE TO CONSULT WITH WASHINGTON.

2. BOTH CHAIRMEN HAD REVIEWED NEGOTIATING RECORDS ON STATUS AGREED MINUTES AND CRYPTO INSPECTION ISSUES. TURK CHAIRMAN STATED HE FOUND NO CHANGE IN TURK POSITION ON STATUS AGREED MINUTES SINCE 1969. CRYPTO ISSUE HAD ARISEN FROM DIFFERENCE IN INTERPRETATION AND WAS TECHNICAL MATTER FOR MILITARY EXPERTS NOT MFA OFFICERS. TGS CONFIDENT THEY COULD QUICKLY RESOLVE MATTER IN DISCUSSION WITH JUSMMAT, AND TGS READY TO MEET WITH JUSMMAT AT ANY TIME. COMPRO-

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MISE COULD BE REACHED ALLOWING INSTRUCTIONS TO BE SENT TO LOCAL

COMMANDERS SO THAT THEY COULD BE MORE FLEXIBLE IN MANNER OF RESPONDING TO REQUESTS TO INSPECT CRYPTO AREAS. TGS WOULD ALSO ASSURE THAT ANY INSPECTORS IN FUTURE WOULD BE APPROPRIATELY BRIEFED.

3. U.S. CHAIRMAN EXPRESSED PUZZLEMENT AT NEED FOR "COMPROMISE" ON CRYPTO INSPECTION ISSUE IF VALIDITY OF NEGOTIATING RECORD WAS ACKNOWLEDGED. EACH SIDE'S RECORDS WERE PRESUMABLY CLEAR ON THAT POINT. IT WAS THEREFORE NECESSARY TO COME TO GRIPS WITH BASIC ISSUE -- STATUS OF AGREED MINUTES. PROBLEM THOUGHT TO HAVE BEEN SOLVED EARLY IN 1973 IN NEGOTIATIONS WAS APPARENTLY NOT SOLVED. WASHINGTON HAD THEN BEEN DISTURBED BY TURKISH PROPOSAL TO USE AGREED MINUTE TECHNIQUE FOR IAS, FEELING THAT SUCH USE TO FOLLOW DCA MIGHT IMPLY LESSER STATUS TO AGREED MINUTES, AND QUESTIONING WHETHER NECESSARY PEOPLE WOULD HAVE ACCESS TO AGREED MINUTES, IF THEY WERE TO BE MORE CLOSELY HELD. WASHINGTON FINALLY GAVE RELUCTANT APPROVAL TO ACCEPT AGREED MINUTES TECHNIQUE FOR IAS ON RECOMMENDATION OF U.S. CHAIRMAN, BASED ON UNDERSTANDING WITH TURKISH CHAIRMAN ON STATUS AGREED MINUTES.

4. U.S. CHAIRMAN SAID HE HAD REVIEWED CURRENT PROBLEM WITH AMBASSADOR, WHO HAD CONCURRED THAT WASHINGTON WOULD HAVE TO BE CONSULTED. QUESTION OF INTERPRETATION OF AGREED MINUTE TO DCA ART. XIII ON CRYPTO INSPECTION WAS SUBSIDIARY; BASIC QUESTION WAS DO WE OR DO WE NOT HAVE ADEQUATE GOT ASSURANCES ON STATUS OF AGREED MINUTES.

5. AFTER FURTHER DISCUSSION, DURING WHICH ASULA ACKNOWLEDGED THAT DCA NEGOTIATING RECORD WAS GERMANE ON POINT, TWO CHAIRMEN AGREED THAT MATTER OF CRYPTO INSPECTION COULD BE DROPPED AS ISSUE. LOCAL U.S. COMMANDERS AND TGS INSPECTORS WOULD BE APPROPRIATELY BRIEFED TO AVOID CONFRONTATIONS ON CRYPTO INSPECTION ISSUE IN FUTURE INSPECTIONS. ASULA GAVE ASSURANCES THAT NO FURTHER INCIDENTS WOULD OCCUR. PROBLEM FOR TQHD WAS NEED TO MAINTAIN PRINCIPLE THAT CDI IS TOTALLY SUBJECT TO TURKISH INSPECTION, BUT INSPECTORS HAD DISCRETION AS TO WHICH AREAS WITHIN A CDI THEY SHOULD ACTUALLY CHECK. U.S. CHAIRMAN SUGGESTED THAT ANSWER WOULD BE IN COMMON SENSE APPROACH: DURING INSPECTIONS, U.S. LOCAL COMMANDER WOULD NOTE THAT GIVEN AREA WAS CRYPTO AREA, WITHOUT EXPLICITLY STATING THAT IT WAS THEREFORE OFF-LIMITS TO TURKISH INSPECTORS. TURKISH INSPECTORS WOULD THEREUPON MOVE ON, NOT SEEKING TO ENTER. IF TURKS WANTED TO
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TELL EACH OTHER THAT THEY HAD THUS VOLUNTARILY DECIDED NOT TO ENTER, THAT WOULD BE THEIR AFFAIR.

6. TURKISH CHAIRMAN ENTHUSIASTICALLY ENDORSED THIS APPROACH AND REPEATED THAT FUTURE TURKISH INSPECTION TEAMS WOULD BE BRIEFED ACCORDINGLY.

7. TURKISH CHAIRMAN SAID THAT HE HAD NOT BEEN ABLE TO ACCEPT AT PLENARY

THE PRINCIPLE THAT IA NEGOTIATIONS SHOULD BE DELAYED UNTIL RESOLUTION OF STATUS OF AGREED MINUTES ISSUE BUT COULD STATE PRIVATELY THAT HE UNDERSTOOD U.S. DELEGATION'S NEED TO CONSULT ITS GOVERNMENT AND WOULD NOT OBJECT TO OUR WAITING FOR INSTRUCTIONS. HE HAD TO INFORM US, HOWEVER, THAT NEW GOVERNMENT HAD GIVEN VERY SPECIFIC INSTRUCTIONS THAT IAS ARE TO BE CONCLUDED AS QUICKLY AS POSSIBLE. TURKISH CHAIRMAN OBSERVED THAT TURKISH AUTHORITIES, DEALING WITH THE IAS AND OTHER MATTERS RELATING TO U.S.-TURKISH DEFENSE COOPERATION, HAD READY ACCESS TO PRIME MINISTER AND HE COULD ASSURE US THAT NEW GOVT HAD CHANGED NOTHING RELATING TO COMMON DEFENSE COOPERATION BETWEEN U.S. AND TURKEY.

8. AS BACKGROUND ON STATUS OF AGREED MINUTES, U.S. CHAIRMAN POINTED OUT THAT DCA AGREED MINUTES WERE NOT AGREED MINUTES IN USUAL SENSE OF TERM BECAUSE THEY WERE REALLY PART OF MAIN TEXT. ARTICLES OF DCA HAD AGREED MINUTES NOT BECAUSE OF AMBIGUITY, BUT TO COVER POINTS TOO SENSITIVE FOR GOT TO ACCEPT IN MAIN TEXT. DCA AGREED MINUTES OFTEN CONTRADICT ARTICLES AND SHOULD RULE. IF DCA AGREED MINUTES WERE NOT MEANT TO BE CONTROLLING THEY WOULD NOT HAVE BEEN USED AT ALL SINCE IN MANY CASES, IT WAS CLEAR THAT MAIN TEXT WAS MODIFIED OR ANNULLED BY THEM. THUS LETTER OF EXCHANGE COVERING DCA AGREED MINUTES DOES NOT ACCURATELY DESCRIBE THEIR NATURE.

9. TURKISH CHAIRMAN REITERATED ASSURANCE THAT GOT HAD NOT CHANGED ITS POSITION ON STATUS AGREED MINUTES AS UNDERSTOOD IN 1969, AND ALSO STATED THAT AGREED MINUTES WERE CONSIDERED BY GOT TO HAVE SAME LEGAL EFFECT AS MAIN TEXT AND WOULD BE IMPLEMENTED.

10. U.S. CHAIRMAN SAID THERE WAS NEED TO RECORD UNDERSTANDING ON STATUS OF AGREED MINUTES SINCE WE DO NOT HAVE AN AGREED OFFICIAL IA NEGOTIATING RECORD. THERE WERE SEVERAL POSSIBLE WAYS OF DOING THIS: (1) DRAFT NEW TEXT FOR EXCHANGE OF LETTERS ON IA AGREED MINUTES WHICH WOULD EXACTLY STATE THEIR TRUE STATUS. THIS APPROACH
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ADMITTEDLY WOULD BE DIFFICULT FOR GOT; (2) U.S. CHAIRMAN COULD STATE U.S. POSITION ON STATUS AGREED MINUTES AT NEXT IA MEETING AND TURKS WOULD NOT HAVE TO COMMENT AS LONG AS THEY DID NOT REJECT STATEMENT.

11. TURKISH CHAIRMAN SUGGESTED WAY TO RECORD POSITION ON AGREED MINUTE STATUS WAS TO MAKE STATEMENT NEXT TIME AN AGREED MINUTE WAS BEING PROPOSED FOR AN IA ARTICLE; ARTICLE 7 OF GEOGRAPHIC IAS, FOR EXAMPLE. CHAIRMEN AGREED THAT DISCUSSION OF C&E IA WOULD AFFORD OPPORTUNITIES TO DO THIS.

12. AS INDICATED IN REFEL, ANALYSIS AND COMMENTS WILL FOLLOW SEPTEL.
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